Remarks

1) Applicant thanks the Examiner for his considered and detailed office action and hopes that this response will further the understanding of applicant's invention.

Disposition of claims

2) Claims 1- 9, 13-32, and 34-54 are pending in the application and stand rejected. Claims 1-7, 9, 13-32, and 52-54 are amended herewith. Claims 8, 10-12, 33 and 55 (which was erroneously marked as claim 53) were cancelled without prejudice.

3) In order to improve clarity, references are made herein to paragraph numbers. While the application was originally filed as a PCT application utilizing page and line numbering, applicant will utilize paragraph numbers to point into the text of the present application, and such paragraph numbers should be construed as directed to the publication of the present application which was published on July 27 , 2006 as US publication No. 20060167699. However applicant does not make any presentation that this application was examined and found accurate to the original application or to any amendments made thereof.

4) The claims were extensively edited and amended to provide better readability, to correct certain errors, and to increase clarity. Certain claims were canceled without prejudice and several of their limitations were incorporated in claim 1.

5) Many of the amended claims interchanged the term 'service provider' with the term 'messaging service'. Applicant believes that this inadvertent error caused misunderstanding on the part of the Office. Applicant wishes to clarify that according to the common meaning of the term, a service provider is an entity providing a service over and above the mere transport of messages. By way of example, a service provider may provide premium data (such as weather and traffic, travel, and the like), may allow access to ecommerce services (such as advertising, banking, purchasing, and the like), and other access not freely shared with mere transport of messages. The skilled in the art will recognize those services in the context of the present invention, to utilize a messaging service as a transport mechanism. It is noted that the service operator is the provider of the messaging transport, however it is further noted that a commercial entity acting as

service operator may in certain circumstances act as service provider as well, while fulfilling both of the components described in the present invention.

Amendments to the specifications and the drawings

6) Fig. 5 was amended to provide enumeration to the link 570 between messaging server 513 and the messaging manager 501. further, in order to bring the specifications into compliance with the drawings as originally filed, applicant amended paragraph [0107] of the specifications to clarify the nature of the link. As the link existed in the specifications as originally filed, and as the nature of the link will be readily understood by the skilled in the art, applicant respectfully submits that no new matter was introduced, and respectfully requests that the amendment be so recognized and entered into the record.

Regarding claim objection

7) Current claim 55 was initially erroneously presented as a second claim 53. Applicant apologizes to the Office for this inadvertent mistake, which was corrected herewith.

Regarding the rejection under 35 U.S.C. §101:

8) Claims 1- 9, 13-32, and 34-47 were amended to claim a messaging manager. Support for this amendment may be found for example in the abstract, in paragraphs [0018], [0034], and elsewhere throughout the application.

9) Furthermore, claims 1- 9, 13-32, and 34-47 were amended by amending independent claim 1 to include a link for coupling to a messaging server, for providing messaging connectivity to the messaging manager and for sending and receiving messages therefrom. Support for this amendment may be found in Fig. 5 as originally filed, and elsewhere in the application. Applicant amended the drawings and brought the specifications into compliance with the drawings as filed, in order to better point out the nature of link 570.

10) Applicant respectfully submits that in the context of the claims, even as previously presented, the term "logic" would be recognized by a person having ordinary skill in the art as representing a combination of software and hardware to perform the required tasks, thus squarely placing the system in the apparatus class.

11) Furthermore, applicant respectfully submits that as amended, claims 1- 9, 13-32, and 34-47 represent a specific machine namely a messaging manager, which is operationally coupled via a communication link to or integrated with, another well known specific machine namely a messaging router, which acts to receive and send messages to and from the messaging manager. Therefore, applicant submits that the invention as currently claimed does refer specifically to an apparatus and fall squarely within this statutory class of patentable subject matter.

12) Regarding method claims 48-54, the claims were amended to require utilizing a messaging manager coupled to a messaging router, with the message in question being received from the messaging router. Applicant respectfully submits that claims 48-54 do fall into the method class of patentable subject, since they are tied to specific machine in a specific setting, namely a messaging manager coupled to a messaging server.

13) Thus applicant respectfully submits that the claims as amended are directed to patentable subject matter even as defined by the USPTO, and requests that the rejection on this ground be reconsidered and withdrawn.

Regarding rejections under 35 U.S.C. § 112

14) Claims 3-4, 9, 13-14, 17-18, 22-29, 34, and 36-40 stand rejected under 35 U.S.C. §112 as indefinite. As claim 1 from which the claims identified above have been shown to have such structure, applicant respectfully requests that the rejection would be reconsidered and withdrawn.

Regarding rejection under 35 U.S.C. §102

15) Claims 1-4, 6-13, 20-21, 33-42, 44, and 48-54 stand rejected as being anticipated by Foladare et al., US 6,373,926 (Foladare hereinafter).

16) The present invention is directed to managing messages between a service provider and at least one end user. It allows the messaging operator to manage the services, service providers, and end users, while providing the service providers, customer service entities, and the like, the capacity to dictate actions that occurs as part of a transaction between the end user and the service provider. The present invention provides valuable capacity to ease the integration of a plurality of services into one or more messaging operators, allow

easy customization of end-user experience and optionally even allow controlling of band width and other parameters, by controlling certain quality of service parameters.

17) The Foladare patent is directed to providing centralized messaging service for a subscriber, in which a message is sent a subscriber's messaging service, When a message is received, a centralized message service processor sends the message to messaging services to which the receiving party subscribes. Examples provided include email, pager, voice, web TV, and the like. In this way the receiving party is able to receive the message promptly regardless of the messaging server with which the sender chose to send the message. (Foladare col. 1, ll. 40-50)

Regarding independent claims 1 and 48 (and by proxy the dependent claims):

18) One aspect in which the present invention differs from the Foladare patent since Foladare is directed to messaging between a plurality of end users. On the other hand, the present invention as claimed, is directed to managing communications between a service providers and end users.

19) Moreover, the present invention requires the messaging manager to "obtain data **from the message**, and when the data is a search key…" (claim 1). Similarly, claim 48 requires the step of "obtaining data **from the message**, wherein the data is a search key". Dependent claims provide for such optional features as additional search keys, and for generating a search key from the data.

20) In contrast, as pointed out by the Examiner, the Foladare patent specifically requires that "…the centralized messaging service processor receives a communication signal from the sending party and prompts the sending party to enter an identifier of the receiving party for whom they wish to leave a message. … The centralized messaging service processor retrieves profile information based on the access number entered by the sending party." (Col. 1, ll. 52-62, see also Col. 4, 52-56 and elsewhere).

21) This difference provides substantial advantage to the present invention. As at least some of the profiles are set by service provider and the messaging operator, it is likely that an end user is unaware of certain profiles, and in some cases may not want to activate the profile that will benefit others. By way of example, it is unlikely that a user would provide a key that will cause his quality of service to degrade.

22) Inasmuch as the Examiner may still consider the Foladare patent as anticipating the claims of the present invention, applicant further points out that the present claims requires the messaging manager to perform "at least one task **defined by the** at least one **profile**". This allows the logic of the present invention a high degree of flexibility, which may be further enhanced by utilizing the optional successive 'chained' profiles. The Foladare patent on the other hand merely receives from the retrieved profile information that "indicates the messaging services subscribed to by the receiving party" (col 1, ll. 63-64). In more details, Foladare specifies the type of profile data as "The profile information contains such information as the messaging services to which the receiving party subscribes, their access numbers, the types of communication signals that they receive, … " (Col. 5, ll. 2-9). **In the Foladare patent, the task to be performed is defined regardless of the profile**, namely "The centralized message service processor then forwards the message to the receiving party by sending the message to the receiving party's messaging service providers. The centralized message service processor then monitors the messaging service providers …" Col 1, ll. 64- Col. 2 ll. 7). While the profile retrieved in the present invention determines a task to be performed (which optionally has address data required to complete the task), the Foladare profile merely provides a list of addresses.

23) Yet another difference between the present invention and the Foladare patent comes with the present invention limitation of "wherein the profile was created by one of the following parties: a service provider, a service operator controlling the messaging service, or a customer care entity." (claims 1 and 48). The Foladare patent on the other hand is silent regarding the profile creation.

Regarding rejections under 35 U.S.C. §103

24) Claims 5, 12, 16, and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Foladare.

25) Regarding claims 5 and 52, the Office asserted that obtaining the second search key and accessing a second profile is merely a duplication of a step disclosed by Foladare. Applicant respectfully disagrees. Firstly, claim 5 relates to obtaining a second search key from the message. Foladare does not disclose obtaining a search key from the message but from the user. Even if, *arguendo*, one was to accept equivalence between automatic acquisition of data from available data (search key from the message) and requiring a user to enter the data manually, there is little if any reason to get a second profile in the Foladare patent, as the list of available messaging services to which the receiving party subscribes is already in the profile obtained from the first search key. However the plurality of search keys is used for obtaining different profiles, e.g. one for service, one for service provider, one for billing options, and the like. Thus the claimed subject matter does not relate merely to duplication of effort but to obtaining different effects than that of the first effort. Applicant therefore submits that claim 5 would not be obvious to the skilled in the art.

26) Regarding claim 16, applicant respectfully points out that the claim is differentiated from the rest of the claims and from the common fact that services are charged for, by the feature allowing the addressing of a charge to a party DEFINED by the service provider, rather than just to the service provider itself.

27) Claims 13-15, 17-19, 22-32, 43, and 45 stand rejected under 35 U.S.C. §103(a) as unpatentable over Foladare in view of Titus et al. US 7,428,510 (Titus hereinafter).

28) Inasmuch as applicant showed that the Foladare patent does not disclose all claim elements, applicant failed to find in Titus at least the elements of the search key being obtained from the message and that the messaging manager perform a task dictated by the retrieved profile. Therefore, the Office did not show all claim elements and therefore has not established a *prima facia* case of obviousness.

Regarding certain individual independent claims

29) While applicant submits that all pending claims have been shown to overcome the cited art in light of the amendments and arguments presented above, applicant takes this opportunity to point out certain issues in some specific claims. This response should be construed to mean that applicant agrees or consents to other positions raised by the Office.

30) Claim 2 was amended to more clearly show that the input data related to the data already contained in the input message. This claim is directed to a case where the search key is not directly present in the message as such, but is instead derived therefrom. Applicant submits that Foladare does not disclose deriving a search key from the message data.

31) Regarding claim 4, applicant respectfully submits that the Foladare patent does not disclose the handling of the message as claimed when the message is sent by a service provider.

32) Regarding claim 7, applicant respectfully points out that the claimed sequence requires the messaging manager to first form an input message (defined in the specifications as "The message that the messaging manager sends to a service", paragraph [0037]) in accordance with the user message and with the retrieved profile, send the input message to the service provider, then receive an output message from the service provider, and then **form a response message in accordance with the output message and the profile** and send the response message to the user. In contrast, Foladare discloses "Once the profile information is retrieved from the database 125, the controller 200 sends a prompt to the user device 100 for the sending party to enter the message that they wish to leave. … When the message is received, the controller 200 sends a confirmation message to the sending party's user device 100 providing them with options to review, delete, amend and send the message." Foladare does not form and send any message at this stage to the service provider, nor does it receive an output message therefrom, and thus can not form a response to the user in accordance with such output message.

33) Regarding claims 20-21, applicant respectfully disagrees with the Office's assertion that the Foladare patent allows one service provider to delegate a subset of its rights to another service provider, nonetheless create a profile for another service provider. Col. 6, ll. 9-35 of the Foladare patent relate to translating the message into different formats, determining to which messaging service the message is sent, and to methods of notification when the message was accessed by the receiving party, and optionally deletion of the message from other services. Applicant was unable to find any delegation of rights between service providers. At best, the only service provider that may be identified in the Foladare application relates to the central messaging service. Clearly, no

delegation or creation of profiles on behalf of one service provider by another are not possible.

34) Regarding claims 41-42, the Office asserted that Foladare deletes messages to reduce traffic volume. Applicant respectfully disagrees and points out that Foladare is silent regarding traffic volume, but instead deletes the message once it was received by the receiving party in at least one channel.

Summary

35) Applicant has made a good faith effort to address each and every point made by the Examiner, and amended the claims and the specifications in order to place the application in condition for allowance. Should the Examiner find any deficiency in this amendment or in the application, or should the Examiner believe for any reason, that a conversation with applicant's agent may further the allowance and issuance of this application, the Examiner is kindly requested to contact Shalom Wertsberger at telephone (401)289-2891.

36) In light of the showing and all other reasons stated above, applicant believes that the rejections and objections presented by the Examiner in the office action mailed to applicant Oct 5, 2009 were overcome. Applicant therefore submits that the claims as amended are in condition for allowance. Reconsideration and withdrawal of the rejection and issue of a notice of allowance on all pending claims is respectfully solicited.

Respectfully submitted

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